



W.A.No.3470 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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- 1.The Correspondent,
Vellayan Chettiar Higher Secondary School,
Thiruvottiyur, Chennai-600 019.
- 2.The Head Master,
Vellayan Chettiar Higher Secondary School,
Thiruvottiyur, Chennai-600 019.
- 3.Sridhar,
Class Teacher,
IX Standard, H Section,
Vellayan Chettiar Higher Secondary School,
Thiruvottiyur, Chennai-600 019. .. Appellants

Vs.

- 1.M.Mehala
- 2.State of Tamil Nadu,
rep. by its Secretary to Government,
Education Department,
Fort St. George,
Chennai-600 009.



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3. The District Collector,
Thiruvallur District,
Thiruvallur-602 001.

.. Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 2.11.2018 passed in W.P.No.23133 of 2008.

For the Appellants : Mr.S.Kiran
for Mr.S.Thankasivan

For the Respondents : Mrs.S.Jothivani
for respondent No.1

: Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.T.K.Saravanan
Government Advocate
for respondents 2 and 3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.S.Kiran, learned counsel for Mr.S.Thankasivan, learned counsel for the appellants; Mrs.S.Jothivani, learned counsel for the first respondent; and, Mr.A.Edwin Prabakar, learned State Government Pleader, assisted by Mr.T.K.Saravanan,



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learned Government Advocate for respondents 2 and 3.

2. The appellants are challenging the judgment and order passed by the learned Single Judge thereby allowing the writ petition filed by the present respondent No.1/original writ petitioner. Under the impugned order, the learned Single Judge directed the appellants to pay compensation of Rs.5.00 lakh with interest at the rate of 6% per annum from the date of filing of the writ petition till the date of realisation.

3. The facts in a nutshell are that the son of the first respondent/original writ petitioner was studying in the school run by the present appellants. During the lunch interval, the deceased boy had drowned in the sea and died. The compensation is awarded on account of the negligent act of the appellants.

4. It is the contention of learned counsel for the appellants that in the school premises the mishap had not occurred. The deceased son of the original writ petitioner jumped the wall and went to the seaside to play and there he drowned. The school and/or the officials



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of the school cannot be made liable for payment of compensation.

5. The fact that on the date the incident occurred the son of the original writ petitioner had gone to the school is not disputed. He was present in the school. The case of the appellants is that during lunch interval, the boy jumped the wall and went to the seaside to play. It is not a college where major students take education. It is a Higher Secondary School where all children are minor children. It is the responsibility of the school authorities to take care of the children and to provide necessary security during school hours. The incident took place during the school hours and not beyond the school hours. The learned Single Judge has threadbare considered all the aspects and has come to a correct conclusion. The school authorities cannot shirk their responsibility and liability by contending that it is the boy who had jumped the wall and escaped.

6. We are of the view that the amount of compensation of Rs.5.00 lakh awarded by the learned Single Judge is a conservative amount and warrants no interference.



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7. The next contention made on behalf of the appellants is qua the interest part. It is the submission of learned counsel for the appellants that the appellant school is a charitable institution and is not charging fees from the students.

8. It appears that the appellant school is a grant-in-aid school and that is the reason, it cannot charge fees.

9. We direct that towards interest, the appellants shall pay an amount of Rs.2.50 lakh [Rupees Two Lakh Fifty-Thousand only] to the original writ petitioner. The amount of Rs.5.00 lakh is already deposited in this Court. The first respondent/original writ petitioner is entitled to withdraw the same. The amount of Rs.2.50 lakh [Rupees Two Lakh Fifty-Thousand only] shall be paid by the appellants within a period of three weeks from today to the first respondent/original writ petitioner. In case, the amount of Rs.2.50 lakh is not paid within the period of three weeks to the original writ petitioner, then the appellants shall be liable to pay interest at the rate of 12% per annum on the amount of Rs.2.50 lakh for the delayed payment. If an amount of Rs.2.50 lakh is paid within the period of three weeks



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from today, coupled with the amount of Rs.5.00 lakh which is already deposited, the same shall be towards full and final settlement of the amount directed to be paid as per the order of the learned Single Judge.

10. The writ appeal, accordingly, stands disposed of. There shall be no order as to costs. Consequently, C.M.P.No.28348 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)
08.02.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Education Department,
Fort St. George,
Chennai-600 009.
- 2.The District Collector,
Thiruvallur District,
Thiruvallur-602 001.



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